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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,210	05/11/2001	Troy A. Recknagel	BRU06 P-408A	8375

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EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,210

Applicant(s)

RECKNAGEL ET AL.

Examiner

Janet M. Wilkens

Art Unit

3637

Nile

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24, 26-29, 31 and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-24, 26-29, 31 and 33-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Please note: Mr Anderson is no longer examining this application; the case is now being handled by the undersigned and any inquiry should be directed thereto.

Election/Restrictions

The previous examiner's reasons for maintaining the restriction requirement on several of the claims, i.e. claims 27, 28, 33, 39 and 40, are not agreed with and therefore, this requirement has been withdrawn and examination of these claims has been provided.

Drawings

The proposed drawing corrections, adding Figs. 12 and 13, have been approved by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-24, 26-29, 31 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 21, "the floor surface" lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse et al in view of Hu (WO 97/15213). Kruse teaches a table and scoring unit assembly (see Fig. 1) comprising: an elongated table (a; see Attachment A), a scoring unit (24) having a display screen (28 which is a touch screen) and base (b; see attachment A), and a pedestal base (c; see Attachment A). For claim 21, Kruse fails to teach that the scoring unit is rotatably located in the table. Hu teach a "scoring unit"/ computer that is rotatably located in an aperture of a table via a base (111 and see Fig. 25). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assembly of Kruse by modifying one side of the table, i.e. adding an aperture and the rotatable base of Hu therein, to provide an assembly that occupies less floor space and that provides a base for the scoring unit that allows the unit/display screen to be positioned as desired by one sitting at the table or standing near the table. Note: the scoring unit of Kruse would also need to be modified, using a unit housing designed to be positioned on a horizontal surface; this unit housing conceivably resembling the computer housing of Hu (using or not using the keyboard as desired). This modification simply being an obvious design consideration, seeing as unit/computer housings in the art come in various configurations.

Claims 22-24 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse et al in view of Hu (WO 97/15213) as applied to claims 21, 31 and 33 above, and further in view of Olivier. As stated above, Kruse in view of Hu teaches the limitations of claim 21, including an assembly having a table with a rotatable scoring unit/base thereon. Kruse further teaches seats (d; see Attachment A) located adjacent the table. For claims 22 and 29, Kruse in view of Hu fails to teach that the assembly further includes a support column operably connected with the scoring unit. Olivier teaches a table (21) having a rotatable base (30); the base is operably connected to a support column (23) via a central core (42) and the column is further connected to the table via an outer top surface (26). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assembly of Kruse in view of Hu by adding a support column, with its outer top surface and central core (also with rest of drive unit), thereon, to provide the assembly table and unit base with additional support. Note: the drive unit of Olivier will replace that of Hu; these mechanisms being functional equivalents.

For claim 27, Kruse fails to specifically teach that the seats are attached to the pedestal base; however, it appears that this would be the case for the side seats (from their supports that are actually shown). Never the less, this type of seat/table arrangement is well known in the art. It would have been obvious to attach the side seat supports shown in Kruse to the pedestal base to help keep these seats upright.

Claims 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse et al in view of Hu (WO 97/15213) and Olivier. Kruse teaches a table and

scoring unit assembly (see Fig. 1) comprising: an elongated table (a; see Attachment A), a scoring unit (24) having a display screen (28 which is a touch screen) and base (b; see attachment A), and a pedestal base (c; see Attachment A). Kruse further teaches seats (d; see Attachment A) located adjacent the table. First, Kruse fails to teach that the scoring unit is rotatably located in the table. Hu teach a "scoring unit"/ computer that is rotatably located in an aperture of a table via a base (111 and see Fig. 25). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assembly of Kruse by modifying one side of the table, i.e. adding an aperture and the rotatable base of Hu therein, to provide an assembly that occupies less floor space and that provides a base for the scoring unit that allows the unit/display screen to be positioned as desired by one sitting at the table or standing near the table. Note: the scoring unit of Kruse would also need to be modified, using a unit housing designed to be positioned on a horizontal surface; this unit housing conceivably resembling the computer housing of Hu (using or not using the keyboard as desired). This modification simply being an obvious design consideration, seeing as unit/computer housings in the art come in various configurations. Second, Kruse in view of Hu fails to teach that the assembly further includes a support column operably connected with the scoring unit. Olivier teaches a table (21) having a rotatable base (30); the base is operably connected to a support column (23) via a central core (42) and the column is further connected to the table via an outer top surface (26). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assembly of Kruse in view of Hu by adding a support column, with its outer top surface and central core (also

with rest of drive unit), thereon, to provide the assembly table and unit base with additional support. Note: the drive unit of Olivier will replace that of Hu; these mechanisms being functional equivalents.

For claims 39 and 40, Kruse fails to specifically teach that the seats are attached to the pedestal base; however, it appears that this would be the case for the side seats (from their supports that are actually shown). Never the less, this type of seat/table arrangement is well known in the art. It would have been obvious to attach the side seat supports shown in Kruse to the pedestal base to help keep these seats upright.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
February 20, 2004

JANET M. WILKENS
PRIMARY EXAMINER

Art 3637